

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 9

SDMS # 31347  
AR0050

In the Matter of :

Dynamic Plating, Inc.  
1102 Isabel Street  
Burbank, California, 91506

Dynamic Plating, Inc.

Mr. Frank Guerrero  
Mr. Charles Ceballos  
Respondents

Order No. 90-17

Proceeding under Section 106 of the  
Comprehensive Environmental Response,  
Compensation and Liability Act of 1980,  
as amended by the Superfund Amendments  
and Reauthorization Act of 1986,  
(42 U.S.C. Section 9606)

I. Jurisdiction

This Order is issued to Dynamic Plating, Inc., and Mr. Frank Guerrero and Mr. Charles Ceballos ("Respondents") pursuant to Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (CERCLA), 42 U.S.C. Section 9606, by authority delegated to the Administrator of the United States Environmental Protection Agency (EPA), and redelegated to the EPA Regions.

The Director of the Hazardous Waste Management Division, EPA Region 9, has determined that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of the release or threatened release of hazardous substances at or from Dynamic Plating, Inc., 1102

1 Isabel Street, City of Burbank, Los Angeles County, California  
2 ("the Site").

3 The EPA has designated an On-Scene Coordinator ("OSC") for  
4 the site, pursuant to 40 C.F.R. Part 300, published at 50 Fed.  
5 Reg. 47912 (November 20, 1985).

## 7 II. Findings of Fact

### 8 BACKGROUND

#### 9 A. Site Description

##### 10 1. Physical Location:

11 The Site consists of a building of approximately 4,000 sq.  
12 ft. that was originally constructed as a WWII Army barracks, a  
13 small work shed and a large outside storage area. The Site is  
14 near downtown Burbank and the surrounding area is zoned light-  
15 industrial. The Site is located within the San Fernando (east  
16 valley) Superfund area.

17 The population of Burbank is 92,000 and the population  
18 within a one mile radius of the site is 2,400. The Site is lo-  
19 cated in a light industrial area and the nearest residential area  
20 is located 450 feet west of the Site. Burbank High School is lo-  
21 cated 3,000 feet to the northeast; Burbank Elementary School is  
22 3,200 feet to the west; Burroughs High School is 4,200 feet to  
23 the southwest of the Site. A retirement home is located 4,000  
24 feet to the west and Burbank Community Hospital is 5,200 feet to  
25 the southeast of the Site.

##### 26 2. Site Characteristics

27 Until recently, the Site was occupied by a metal plating  
28 shop doing business as Dynamic Plating, Inc. (the "company") that

1 primarily serviced the computer industry and engaged in plating  
2 computer parts and other components. Dynamic Plating was shut  
3 down by local authorities on 22 January 1990 due to improper was-  
4 tewater discharges.

5       Following a request by the County of Los Angeles Department  
6 of Health Services (CODHS), a preliminary assessment (PA) was  
7 conducted on 16 August and 22-24 August by the EPA On-Scene Coor-  
8 dinator (OSC) and the Technical Assistance Team (TAT) contractor.  
9 The PA revealed 26 open-topped process vats, two 7,500 gallon  
10 capacity wastewater tanks and several sumps inside the plating  
11 shop containing an estimated 36,000 gallons of process solutions  
12 and wastes particular to metal plating operations. Waste streams  
13 from the plating shop included 1) inorganic acids: chromic and  
14 hydrochloric; 2) cyanides: zinc and cadmium cyanide solutions; 3)  
15 inorganic bases: sodium and potassium hydroxide; 4) oxidizing  
16 materials: chromic acids, calcium and sodium hypochlorite, and 5)  
17 chlorinated hydrocarbons: 1,1,1, - trichloroethane.

18       The yard behind the plating shop was used for storage of  
19 drums containing product and waste materials. There are 70  
20 various sized containers in the yard, many of which appear empty.  
21 Approximately 18 drums that contain zinc plating solution,  
22 chromic acid, caustic solution, caustic sludges and chlorinated  
23 solvents are segregated and stored on a concrete pad that covers  
24 the yard. There is no evidence of leaking drums nor significant  
25 spillage on the surface of the concrete. A roll-off box contains  
26 8 cu yds of filter cake.

27       The main building is wooden-framed and is at least 40 years  
28 old. Plating operations inside the building may have occurred

1 since 1959 or earlier. The building is notably worn and in  
2 several areas the plaster is crumbling away and the walls are  
3 sagging. Prior housekeeping practices were evidently poor and  
4 there has been a significant accumulation of waste sludges on the  
5 foundation below the vats. The wooden-plank flooring and vat  
6 supports are old, worn, notably corroded from repeated spillage  
7 of acid and cyanide solutions and are severely contaminated.  
8 There is potential for these structures to fail during even a  
9 minor earthquake. The process vats are in poor condition and  
10 there is evidence of severe corrosion through the walls of the  
11 vats. Openings on the east side of the building and the roof ex-  
12 pose the process area to wind and rain. The company recently in-  
13 stalled a new security fenceline to restrict public access to the  
14 plating shop.

15 Preliminary investigations of the subsurface soil indicate  
16 contamination with chlorinated solvents (1,1,1,TCA, TCE, PCE),  
17 heavy metals (cadmium, chromium) and cyanide with a potential  
18 threat to groundwater.

19 3. National Priority List Status (NPL) Status:

20 This specific facility is not listed on the NPL, however it  
21 is located in the area of the San Fernando (east valley) NPL site  
22 where groundwater has been found to be contaminated with TCE and  
23 PCE.

24 4. Responsible Parties:

25 Respondent Dynamic Plating, Inc., has been an owner/operator  
26 of the Site since 1971. Respondents Guerrero and Ceballos are  
27 corporate officers and the only two stockholders of Dynamic Plating, Inc  
28 Guerrero and Ceballos directed and participated in the ac-

tivities which resulted in releases of hazardous substances at or from the Site. Guerrero and Ceballos are therefore operators of the Site.

On 16 August 1990, OSC Daniel Shane issued a verbal Notice of Federal Intent to the company, Frank Guerrero, and Charles Ceballos. The OSC stated that the Site posed an imminent and substantial endangerment to public health and the environment. The OSC informed Dynamic Plating, Inc., Frank Guerrero and Charles Ceballos that it was their responsibility to undertake the removal action, and failure to take action could subject the corporation and individuals to liability for the costs of a federally-funded cleanup action.

**B. Incident/Release Characteristics:**

Operations of the plating shop have been shut down for approximately 7 months and Dynamic Plating has indicated it has no plans to reopen. The company has abandoned the plating shop and left behind large quantities of hazardous substances in vats, tanks, sumps and drums. These containers and the structures supporting them are deteriorating and will probably fail without constant attention. Company personnel are not available to monitor site conditions and necessary repairs are not being made.

The integrity of the concrete foundation and containment used to collect dragout from the vats is uncertain. However, it is likely that there is leakage of hazardous substances to the underlying soils. Soil contamination from improper disposal of plating wastes has been documented in soil samples taken from the facility. Air sampling is being performed by the Technical Assistance Team (TAT) to assess airborne releases of acid and

cyanide gasses and cyanide and metal particulates. Because the City of Burbank has capped the sewer, it is unlikely that hazardous substances could be released to the sewer which is the nearest pathway to surface water.

C. Quantities and Types of Substances Present:

The plating shop contains an estimated 36,000 gallons of process solutions and wastes. A summary of these waste streams are as follows:

**CYANIDES**

12 Vats	zinc cyanide solution	12,000 gallons
1 vat	cyanide rinse water	600 gallons
2 tanks	process wastewater	15,000 gallons

**ACIDS**

5 vats	chromic acid	2,650 gallons
1 vat	chromic acid rinse	600 gallons
4 vats	hydrochloric acid	2,100 gallons
1 vat	hydrochloric acid rinse	600 gallons

**CAUSTICS**

2 vats	alkaline cleaning solution	2,400 gallons
--------	----------------------------	---------------

Approximately 18 drums and a roll-off box contain hazardous product and waste materials, consisting of:

4 drums	zinc plating solution (product)
5 drums	chromate plating solution (product)
4 drums	caustic solution (product)
2 drums	caustic sludges (waste)
1 drum	chlorinated solvent (waste)
2 drums	solvent (product)

1           8 cu yds filter cake (waste)

2           The quantity of contaminated sludges, equipment and debris  
3           is difficult to estimate at this time. Approximately 100-200 cu  
4           yds of this material will require off-site disposal.

5           ENDANGERMENT:

6           A.   Threats to Public Health and Welfare

7           The most serious threat to human health and welfare is the  
8           uncontrolled reaction between incompatible and acutely toxic  
9           chemicals. Vats containing large quantities of acid and cyanide  
10          solutions lie in close proximity to each other and there is a  
11          significant risk of release due to failure of the vats, vat sup-  
12          ports and flooring. The mixing of cyanides and acids in a spill  
13          would cause a hydrogen cyanide gas release that would be a major  
14          disaster event in this populated area. There is a high probabilit-  
15          ity for this type of release during an earthquake. The floor has  
16          a large build-up of drag-out wastes laden with cyanide and the  
17          splashing of acid liquids onto the floor could cause the same  
18          reaction. Furthermore, some vats are divided into compartments  
19          separating acid solutions and cyanide solutions in the same vat.  
20          This configuration poses a high risk of an adverse reaction due  
21          to the potential for mixing of highly incompatible chemicals.

22          In addition, there are sufficient quantities of acids, bases  
23          and oxidizers on the Site which pose an extreme fire hazard. In  
24          the event of an accidental spill, the combination of strong acids  
25          and bases or oxidizers and combustible materials could generate  
26          sufficient heat to ignite the surrounding materials. The risk of  
27          fire is heightened by the age of the building and materials  
28          (primarily wood) used in its construction.

1        There is a potential threat of airborne releases of cyanide  
2        and acid gasses due to off-gassing from the build-up of dragout  
3        wastes and vaporization from the open vats and sumps. Evapora-  
4        tion and the drying out of vats, flooring and sludges has created  
5        a high potential for airborne releases of cyanide and metal par-  
6        ticulates. The releases of these air contaminants pose potential  
7        long and short-term health risks through exposure by inhalation.

8        Although there is security (fencing, locked gates) to  
9        restrict public access to the plating shop, the Site is not being  
10       monitored on a regular basis because the company has abandoned  
11       the premises. The age and condition of the facility are major  
12       factors in the assessment of potential threats because older  
13       equipment and structures require constant attention and repairs  
14       and corrections must be made immediately to prevent an incident.

15       B.    Threats to the Environment

16       The most serious threat to the environment is the actual  
17       release of chlorinated hydrocarbons to the soils and the poten-  
18       tial for groundwater contamination. Soil sampling results in the  
19       yard behind the plating shop indicates that a significant amount  
20       of spillage of degreasing solvents into the soils has occurred  
21       over the years. High levels of TCE, PCE and 1,1,1-TCA have been  
22       detected at a depth of 55 feet below the surface. In addition,  
23       it is likely that the containment inside the plating shop has  
24       deteriorated from age and chemical destruction and that plating  
25       wastes are therefore leaking into the underlying soils. The in-  
26       tegrity of the containment structures cannot be assessed until  
27       the flooring and plating sludges are removed from the area.

28       The Site is located in the San Fernando (east valley) Super



1  
2 fund region where the groundwater is contaminated with TCE and  
3 PCE which threatens the drinking water supply. The Site may be  
4 an additional source of the regional groundwater contamination.

5 Although the city has capped the sewer, a potential threat  
6 to surface waters exists due to the leakage of hazardous sub-  
7 stances into the underlying soils near the sewer placements.  
8 Contaminants could migrate or leach through the soils into old  
9 sewer lines through cracks, fissures and unsealed joints. This  
10 could also present a serious health hazard to Public Works and  
11 Utility personnel.  
12

## 13 II. Conclusions of Law

14 A. The Respondents are "persons" as defined in Section  
15 101(21) of CERCLA, 42 U.S.C. Section 9601(21).

16 B. The property located at 1102 Isabel Street, Burbank,  
17 California, is a "facility" as defined in Section 101(9) of  
18 CERCLA, 42 U.S.C. Section 9601(9).

19 C. The materials identified in Section II A-2 at the Site  
20 are "hazardous substances" as defined in Section 101(14) of  
21 CERCLA, 42 U.S.C. Section 9601(14).

22 D. The presence of hazardous substances on the Site and  
23 the potential for those substances to leak, mix, ignite and  
24 migrate constitutes a "release" or "threatened release" of haz-  
25 ardous substances into the environment as defined in Section  
26 101(22) of CERCLA, 42 U.S.C. Section 9601(22).

27 E. Respondents are liable parties as defined in Section  
28 107(a) of CERCLA, 42 U.S.C. Section 9607(a).

1  
2 **IV. Determinations**

3 Based on the Findings of Fact and Conclusions of Law, the  
4 Director, Hazardous Waste Management Division, EPA Region 9, has  
5 made the following determinations:

6 A. The release or threatened release of hazardous sub-  
7 stances and pollutants or contaminants at or from the Site may  
8 present an imminent and substantial endangerment to the public  
9 health, welfare, and the environment.

10 B. In order to prevent or mitigate immediate and sig-  
11 nificant risk of harm to human health and the environment, it is  
12 necessary that actions be taken immediately to contain and  
13 prevent the release and potential release of hazardous sub-  
14 stances, pollutants or contaminants at or from the Site.

15 C. The removal measures required by this Order are consis-  
16 tent with the National Contingency Plan, 40 Code of Federal  
17 Regulations, Part 300.

18 **V. Order**

19 Based upon the Findings of Fact, Conclusions of Law and  
20 Determinations, EPA Hereby Orders the Respondents to implement  
21 the following measures under the direction of EPA's On-Scene  
22 Coordinator.

23 A. Upon receipt of this Order, the Respondents shall provide  
24 twenty-four (24) hour security at the Site which meets with EPA  
25 approval.

26 B. The Respondents shall restrict access to the Site and shall  
27 not allow any materials, equipment or any other item to be  
28 removed from the Site without prior EPA approval.

C. The Respondents shall submit a Site Health and Safety Plan writing for EPA review and approval within **seven (7) days** of the effective date of this Order. This Plan must conform to the requirements outlined in the Standard Operating Safety Guide, U.S. EPA, Office of Emergency and Remedial Response Support Division, Edison, New Jersey, November 1984, updated July 1988. All work must conform with Occupational Safety Health Administration (OSHA) 29 CFR, Part 120.

D. Within **seven (7) days** of the effective date of this Order, Respondents shall submit in writing for EPA review and approval, a Site Stabilization, Removal, and Sampling Plan and Schedule ("Workplan"). The Workplan plan shall include the following provisions:

Within **thirty-five (35) days** of the effective date of this Order,  
1) Remove all on-Site hazardous substances in process units and containers to EPA approved hazardous waste storage, treatment, disposal, recycling and/or utilization facilities;  
2) Excavate and remove all stained and contaminated soil to an EPA approved disposal facility;  
3) Provide a plan for post removal soil sampling to ensure that the Site has achieved EPA approved cleanup criteria. Post removal soil sampling must be performed no later than **forty-nine (49) days** from the effective date of this Order.

E. Within **two (2) days** of receiving any EPA comments on any submittal, Respondents shall incorporate all such comments and deliver the revised submittal.

F. Within **one (1) day** of EPA approval, Respondents shall begin to implement the Workplan. The Workplan shall be considered incorporated into this Order and enforceable under the terms of this Order. Respondents shall comply with all schedules in the approved Workplan.

1 G. A final report containing copies of all hazardous waste  
2 manifests, notice of sales and analytical data from the post  
3 removal sampling must be submitted to EPA no later than **seventy**  
4 **(70) days** from the effective date of this Order.

5 H. Respondents shall provide EPA, the California Department of  
6 Health Services ("DHS") and the Burbank Fire Department with  
7 written weekly summary reports. These reports should contain a  
8 summary of the previous week's activities and planned up-coming  
9 events.

10 I. EPA, DHS and the Burbank Fire Department shall be informed  
11 at least forty-eight hours (48) prior to any on Site work.

12 J. All sampling and analysis shall be consistent with the  
13 "Removal Program Quality Assurance/Quality Control Interim  
14 Guidance: Sampling, QA/QC Plan and Data Validation," EPA OSWER  
15 Directive 9360.4-01, dated February 2, 1989.

#### 16 17 **VI. Compliance With Other Laws**

18 Respondents shall comply with all federal, state and local  
19 laws and regulations in carrying out the terms of this Order. All  
20 hazardous substances removed from the facility must be handled in  
21 accordance with the Resource Conservation and Recovery Act of  
22 1976, as amended by the Hazardous and Solid Waste Amendments of  
23 1984 ("RCRA"), 42 U.S.C. Section 6921, et seq., the regulations  
24 promulgated under that Act, and Section 121(d)(3) of CERCLA, 42  
25 U.S.C. Section 9621(d)(3).

#### 26 27 **VII. On-Scene Coordinator**

28 EPA has appointed an On-Scene Coordinator (OSC) for the Site

1 who has the authority vested in the On-Scene Coordinator by 40  
2 C.F.R. Part 300, et seq. The On-Scene Coordinator for the Site  
3 for the purposes of this Order is:

4 Daniel M. Shane  
5 United States Environmental Protection Agency, Region 9  
6 1235 Mission Street  
7 Mail Code H-8-3  
8 San Francisco, California 94103  
9 (415) 744-1026

#### 8 VIII. Submittals

9 All submittals and notifications to EPA required by  
10 this Order or any approved proposal under this Order concerning  
11 Dynamic Plating, Inc., Frank Guerrero and Chuck Ceballos, et al.,  
12 Order number 90-17, shall be made to:

13  
14 Jerry Clifford  
15 Deputy Director, Superfund  
16 United States Environmental Protection Agency, Region 9  
17 1235 Mission Street  
18 Mail Code H-5  
19 San Francisco, California 94103

20 Copies of all submittals and notifications shall be sent to  
21 the On-Scene Coordinator.

22 All approvals and decisions of EPA made regarding the sub-  
23 mittals and modifications shall be communicated to Respondents by  
24 the Deputy Director, Superfund or his designee. No informal ad-  
25 vice, guidance, suggestions, or comments by EPA regarding  
26 reports, plans, specifications, schedules, or any other matter  
27 will relieve Respondents of their obligation to obtain formal ap-  
28 provals as required by this Order

#### 29 IX. Access

30 Respondents shall provide EPA employees and its other repre-

1    representatives with complete access to the Site at all times. Nothing  
2    in this Order limits any access rights that EPA or other agencies  
3    may have pursuant to law.

4                    **X. Endangerment During Implementation**

5            The OSC may determine that acts or circumstances (whether  
6    related to or unrelated to this Order) may endanger human health,  
7    welfare or the environment and may order the Respondents to stop  
8    further implementation of this Order until the endangerment is  
9    abated.

10                   **XI. Government Not Liable**

11           The United States Government and its employees and other  
12    representatives shall not be liable for any injuries or damages  
13    to persons or property resulting from the acts or omissions of  
14    Respondents, their employees or other representatives caused by  
15    carrying out this Order. For the purposes of this Order, the  
16    United States Government is not a party to any contract with the  
17    Respondents.

18                   **XII. Noncompliance**

19           A.    A willful violation or failure or refusal to comply  
20    with this Order may subject Respondents to a civil penalty of up  
21    to \$25,000 per day in which the violation occurs or failure to  
22    comply continues, pursuant to the provisions of Section 106(b)(1)  
23    of CERCLA, 42 U.S.C. Section 9606(b)(1). Failure to comply with  
24    this Order without sufficient cause may also subject Respondents  
25    to punitive damages of up to three times the total costs incurred  
26    by the United States for site response pursuant to Section  
27    107(c)(3) of CERCLA, 42 U.S.C. Section 9607(c)(3).

28           B.    EPA may take over the response action at any time if

1 EPA determines that Respondents are not taking appropriate ac-  
2 tion. EPA may order additional actions it deems necessary to  
3 protect public health, welfare, or the environment.

#### 4 XIII. Opportunity to Confer

5 Respondents may request a conference with the Deputy Direc-  
6 tor, Superfund, EPA Region 9, or his staff to discuss the provi-  
7 sions of this Order. At any conference held pursuant to Respon-  
8 dents' request, Respondents may appear in person or by counsel or  
9 other representatives for the purpose of presenting any objec-  
10 tions, defenses or contentions which Respondents may have regard-  
11 ing this Order. If Respondents desire such a conference, Respon-  
12 dents must make a request orally within 24 hours of receipt of  
13 this Order, and confirm the request in writing immediately. A  
14 conference does not alter the effective date of the Order.

#### 15 XIV. Parties Bound

16 This Order shall apply to and is binding upon the Respon-  
17 dents, their officers, directors, agents, employees, contractors,  
18 successors, and assigns.

#### 19 XV. Notice of Intent to Comply

20 Within 24 hours of receipt of this Order, Respondents shall  
21 orally inform EPA of their intent to comply with the terms of  
22 this Order. The oral notice shall be confirmed within two days  
23 by written notice to the Director. Failure to punctually notify  
24 EPA of the Respondents' intent to fully comply will be construed  
25 by EPA as a refusal to comply.

#### 26 XVI. Notice to State

27 Notice of the issuance of this Order has been given to the  
28 State of California, the Los Angeles County Department of Health

Services and the Burbank Fire Department. EPA will consult with the California Department of Health Services, Los Angeles County Department of Health Services and the Burbank Fire Department, as appropriate.

**XVII. Effective Date**

Notwithstanding any conferences requested pursuant to the provisions of this Order, this Order is effective within two (2) days of the date of signature by the Director of Hazardous Waste Management Division.

IT IS SO ORDERED on this 30<sup>th</sup> day of August, 1990.  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

by: Jeff Zelikson

Director, Hazardous Waste Management Division EPA Region 9

**Contacts:**

Daniel M. Shane  
Emergency Response Section, H-8-3  
U.S. Environmental Protection Agency  
1235 Mission Street  
San Francisco, CA 94103  
(415) 744-1026

Gavin McCabe  
Office of Regional Counsel  
U.S. Environmental Protection Agency  
1235 Mission Street  
San Francisco, CA 94103  
(415) 556-5878

Brent Maier  
Enforcement Case Officer  
Emergency Response Section, H-8-3  
U.S. Environmental Protection Agency  
1235 Mission Street  
San Francisco, CA 94103  
(415) 744-1026



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dirk D. Drossel  
Inspector, Bureau of Fire Prevention  
Burbank Fire Department  
353 East Olive Avenue  
Burbank, CA 91502  
(818) 953-8773

Hamid T. Saebfar  
Senior Hazardous Materials Specialist  
State of California  
Department of Health Services/Region 3  
1405 N. San Fernando Boulevard, No. 300  
Burbank, CA 91504  
(818) 567-3064

Shahin Nourishad, M.S.,R.S.  
Hazardous Materials Specialist  
County of Los Angeles  
Department of Health Services  
2615 South Grand Avenue  
Room 601  
Los Angeles, CA 90007  
(213) 744-5145